
LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT

WESTERN DISTRICT OF PENNSYLVANIA

Rule 7016.1 PRE-TRIAL PROCEDURE

A. Unless otherwise ordered, pre-trial shall be conducted according to Local Rule 7016.1 in the Pittsburgh division only.

B. Counsel may file a stipulation once, without approval of the court, extending the due date for the filing of an answer or other responsive pleading, for a period not exceeding fifteen (15) calendar days from the due date.

C. At the request of counsel or on the court's motion, the judge to whom the case is assigned shall confer with

counsel in an initial pre-trial conference in an attempt to define the legal and factual issues involved and attempt to determine what discovery is necessary, if any. Discovery may be confined, in an order, to the legal and factual issues defined.

D. Discovery shall be limited to seventy-five (75) calendar days from the date of the filing of the last responsive pleading unless the court by order directs otherwise.

E. Within fifteen (15) calendar days of the close of discovery period, counsel for the plaintiff shall file and serve a brief narrative statement of the material facts he will offer at trial, including all damages claimed, the method of calculation, and how damages will be proven. There shall be attached to the statement:

1. a copy of all reports containing the substance of the facts, findings, opinions and a summary of the grounds and reasons for each opinion of any expert whom a party expects to call as a witness at the trial. If timely production of any such report is not made, the testimony of such expert shall be excluded at the trial, except upon consent of the other party or parties, or order of court. The testimony of an expert shall be confined to the scope of his report;

2. names and addresses of all witnesses, including damage witnesses, whom the plaintiff expects to call;

3. a list of any unusual legal issues;

4. a list of all of the exhibits which counsel expects to offer in evidence, containing the identifying mark of each exhibit and a brief description of each exhibit; and

5. authorization to other parties to examine pertinent records unless earlier provided.

F. Within fifteen (15) calendar days of the filing of the plaintiffs pre-trial statement, counsel for defendant shall file and serve a brief narrative statement including the defense to the damage claims and attachments meeting the requirement set out in subsection E. supra for plaintiffs.

G. Within fifteen (15) calendar days of the filing of defendant's pre-trial statement, counsel for any third party defendant shall file and serve a brief narrative statement including the defenses and attachments meeting the requirements set out in subsection E. supra for plaintiffs.

H. Exhibits shall be examined by opposing counsel prior to the pre-trial conference in preparation for the conference.

I. Following the filing of the statements, counsel shall meet with the court at a time fixed by the court for a final pre-trial conference.

J. Prior to the final pre-trial conference counsel shall determine whether they have authority to settle the case and shall arrange to have their clients present at the final pre-trial conference or available by phone.

K. At the final pre-trial conference:

1. each attorney shall indicate on the record whether the exhibits of any other party are agreed to or objected to and the reason for any objection;
2. if there are legal issues which are undecided, appropriate motions shall be presented. Briefs in support of such motions are required only if the court directs that they be filed.
3. each attorney shall disclose in pre-trial narrative statements or at the pre-trial conference the substance of the evidence to be offered at trial. Failure to so disclose shall result in the exclusion of the evidence at trial unless the parties agree otherwise or the court orders otherwise. Provided, however, the evidence shall be allowed for impeachment purposes.

Rule 7037.1.F CONSULTATION AMONG COUNSEL

Counsel are encouraged to participate in pre-trial discovery conferences in order to decrease, in every way possible, the filing of unnecessary discovery motions. No motion concerning discovery matters may be filed until counsel makes a good faith effort to resolve with opposing counsel the discovery matters in controversy. The Clerk shall not accept for filing and the court shall not consider any motion concerning discovery matters unless the motion is accompanied by a statement of counsel that a good faith effort has been made to resolve the discovery matters at issue.

